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EXAMINER

WASSUM, LUKE S

ART UNIT	PAPER NUMBER
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2177

DATE MAILED: 07/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/448,164

Applicant(s)

GERMSCHIED ET AL.

Examiner

Luke S. Wassum

Art Unit

2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 April 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. An Applicants' amendment, filed 22 April 2003, has been received, entered into the record, and considered.
2. As a result of the amendment, claims 1 and 6 have been amended. Claims 1-20 remain pending in the application.

The Invention

3. The claimed invention is for a database management system accessible over the Internet, whereby a user can send a request to create an empty data set within the database management system.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-4, 6-8, 11-14 and 16-18 are rejected under 35 U.S.C. 102(e) as being anticipated by **Hong et al.** (U.S. Patent 6,266,673).

6. Regarding claim 1, **Hong et al.** teaches an improvement in a data processing environment comprising:

- a) an Internet terminal (see col. 2, line 60 through col. 3, line 6; see also col. 5, lines 25-64);
- b) a publicly accessible digital data communication network responsively coupled to said Internet terminal (see col. 5, lines 25-64);
- c) a database management system having at least one database responsively coupled to said publicly accessible digital data network (see col. 2, line 60 through col. 3, line 6; see also col. 5, lines 25-64; see also col. 6, lines 22-64); and
- d) a service request generated by said Internet terminal and transferred to said database management system via said publicly accessible data communications network which creates a non-relational empty data set with a specified data set ID within the database management system (see col. 6, lines 10-21; see also col. 6, line 65 through col. 8, line 11; see also extensive discussion of the generation of table and object identification numbers, col. 6, line 65 through col. 8, line 67).

7. Regarding claim 6, **Hong et al.** teaches an apparatus comprising:

- a) an Internet terminal (see col. 2, line 60 through col. 3, line 6; see also col. 5, lines 25-64);
- b) a publicly accessible digital data communication network responsively coupled to said Internet terminal (see col. 5, lines 25-64);
- c) a database management system having access to a database responsively coupled to said Internet terminal via said publicly accessible digital data communication network (see

col. 2, line 60 through col. 3, line 6; see also col. 5, lines 25-64; see also col. 6, lines 22-64); and

- d) a service request generated by said Internet terminal and transferred to said database management system via said publicly accessible data communications network which causes said database management system to create an empty set having a specified data set ID (see col. 6, lines 10-21; see also col. 6, line 65 through col. 8, line 11; see also extensive discussion of the generation of table and object identification numbers, col. 6, line 65 through col. 8, line 67).

8. Regarding claim 11, **Hong et al.** teaches a method of utilizing a user terminal to access a remote database management system having a database via a publicly accessible digital data communication network comprising:

- a) transmitting a service request from said user terminal via said publicly accessible digital data communication network (see col. 5, lines 25-64);
- b) receiving said service request by said remote database management system (see col. 6, lines 10-21); and
- c) creating a non-relational empty data set by said database management system in response to receipt of said service request (see col. 6, lines 10-21; see also col. 6, line 65 through col. 8, line 11).

9. Regarding claim 16, **Hong et al.** teaches an apparatus comprising:

- a) means for permitting a user to interact using a non-SQL service request with a database via a publicly accessible digital data communication network (see col. 5, lines 25-64);

- b) means responsively coupled to said permitting means via said publicly accessible digital data communication network for offering data processing services involving access to said database in response to said non-SQL service request (see col. 6, lines 10-21); and
- c) means for creating an empty data set within said database management system (see col. 6, lines 10-21; see also col. 6, line 65 through col. 8, line 11).

10. Regarding claims 2, 7 and 13, **Hong et al.** additionally teaches an improvement, method and apparatus wherein said database management system further comprises a repository in which said non-relational empty data set is created (see Figure 2; see also col. 6, lines 22-64).

11. Regarding claims 3, 8 and 12, **Hong et al.** additionally teaches an improvement, method and apparatus further comprising a parameter set associated with said non-SQL service request whereby said non-relational empty set is created in accordance with said parameter set (see parameter sets at col. 7, lines 7-12 and 38-40).

12. Regarding claims 4, 14 and 17, **Hong et al.** additionally teaches an improvement, apparatus and method wherein said publicly accessible digital data communication network comprises the Internet (see col. 5, lines 25-64).

13. Regarding claim 18, **Hong et al.** additionally teaches an apparatus wherein said permitting means further comprises means for generating and transmitting said non-SQL service request requesting said database management system to execute said creating step (see col. 6, lines 10-43; see also col. 6, line 65 through col. 8, line 11).

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

16. Claims 5, 9, 10, 15, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Hong et al.** (U.S. Patent 6,266,673) as applied to claims 1-4, 6-8, 11-14 and 16-18 above, and further in view of UNISYS ("Why Do I Need Cool ICE?").

17. Regarding claims 5, 9, 15 and 19, **Hong et al.** teaches an improvement to a data processing environment, method and apparatus substantially as claimed.

Hong et al. does not teach the improvement, method and apparatus wherein said database management system is MAPPER.

However, UNISYS teaches the advantages of the database management system called Cool ICE, which is based on Unisys' MAPPER engine technology (see page 3, second paragraph Performance, reliability, and scalability').

It would have been obvious to one of ordinary skill in the art at the time of the invention to use MAPPER as the database management system, since MAPPER has been tuned for reliability, scalability, and high performance, and the technology has been used for years by thousands of users for many different kinds of applications, and has gained a reputation for performing well for everything from small data analysis applications to huge transaction systems, and has exemplary reliability (see page 3, second paragraph Performance, reliability, and scalability').

18. Regarding claim 10, **Hong et al.** additionally teaches an improvement wherein said publicly accessible digital data communication network comprises the World Wide Web (see col. 5, lines 25-64).

19. Regarding claim 20, **Hong et al.** additionally teaches an apparatus wherein said permitting means further comprises an industry standard personal computer (see col. 4, lines 7-38; see also col. 5, lines 25-64).

Response to Arguments

20. Applicant's arguments filed 22 April 2003 have been fully considered but they are not persuasive.

21. In response to the Applicants' argument that the **Hong et al.** reference teaches a system where the DBMS and the database client are co-located within the same computer system, the examiner reiterates his response from the previous Office action that the reference teaches a system with a client user Internet terminal and a database management system running on a terminal remote from the client and accessible over the Internet, by pointing out the following passages from col. 6, lines 9-21:

"A database client may be a computer system, including the computer system executing the DBMS, *or another computer system executing another DBMS*. In the computer system 100 of FIG. 1, sequences of instructions comprised by the DBMS are executed by the processor 104 to carry out requests of a database client... *The requests of a database client may themselves be issued in response to requests received from an individual through a user interface provided by the client.*" (emphasis added).

In addition, the reference teaches the ability to address objects residing in different database systems, and also teaches that clients can exist at locations remote from the target database server, beginning at col. 2, line 62:

"In a distributed environment, a client accessing a database first forms a "connection" to one of the databases. The database to which a client connects is referred to as the local database. Other databases are referred to as remote databases. Any table which resides on a remote database is referred to as a remote table, or remote object table in the case of an object table. *Often a remote database resides at a location remote to the local database.*" (emphasis added).

Furthermore, the fact that "requests can be received from an individual through a user interface provided by a client" renders the existence of the claimed "user terminal" inherent in the client system.

22. Further regarding the applicants' argument that the reference fails to teach a user terminal, the examiner respectfully responds that the claimed user terminal, as disclosed on page 19 of the specification, is nothing more than "...an industry compatible personal computer having a suitable web browser, all being readily available commercial products", (see lines 3-4). In the examiner's opinion, the computer disclosed in the **Hong et al.** reference, at col. 4, line 7 through col. 6, line 2 et seq., clearly qualifies as a user terminal as claimed and defined in the specification.

Furthermore, the reference teaches at col. 5, lines 40-64 et seq., that the terminal communicates over the Internet.

23. Regarding the applicants' arguments that the finding of inherency of the user terminal in the reference is factually incorrect, the examiner respectfully responds that the finding is based on the fact that in one embodiment of **Hong's** system, "requests can be received from an individual through a user interface provided by a client". The examiner relies upon this embodiment in the rejections. Given this embodiment, and combined with the teaching regarding the computer system itself, the claimed user terminal is necessary to provide the client user interface in the specific embodiment relied upon by the examiner.

24. Regarding the applicants' arguments that the examiner has failed to meet the requirements of MPEP § 2143 in showing obviousness, the examiner respectfully responds that the secondary

Art Unit: 2177

reference, both in general and particularly in the specific portions cited in the rejection of record, supplies ample motivation to incorporate the MAPPER database management system, as well as providing reasons for expecting success in the combination.

Conclusion

25. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luke S. Wassum whose telephone number is 703-305-5706. The examiner can normally be reached on Monday-Friday 8:30-5:30, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene can be reached on 703-305-9790. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

In addition, INFORMAL or DRAFT communications may be faxed directly to the examiner at 703-746-5658.

Customer Service for Tech Center 2100 can be reached during regular business hours at (703) 306-5631, or fax (703) 746-7240.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



Luke S. Wassum
Art Unit 2177

lsw
July 1, 2003



JEAN R. HOMERE
PRIMARY EXAMINER